

REMARKS

This Response, submitted in response to the non-final Office Action dated September 22, 2004, is believed to be fully responsive to the points of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-32 are pending.

Claims 1-3, 5, 11, 23, 24, 26 and 29-31 have been rejected under 35 USC 103(a) over US Patent No. 6,231,306 (Khalid), in view of US Patent No. 6,522,991 (Banaszuk). Claim 4 has been rejected under 35 USC 103(a) over Khalid, in view of Banaszuk, in further view of US Patent No. 5,448,881 (Patterson). Claims 6-10, 12-22, 25, 27, 28 and 32 were found to be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims. Applicants respectfully submit the following remarks in support of the patentability of the claims.

As noted on page 3 of the Office Action dated September 22, 2004, Khalid fails to disclose certain elements of the independent claims. For example, Claims 1, 5 and 11 recite preprocessing the raw data using a frequency demodulator to produce pre-processed data. As noted on page 3 of the Office Action dated September 22, 2004, Khalid does not disclose this recitation. To supply this recitation of independent Claims 1, 5 and 11, Banaszuk is cited. However, Applicants respectfully submit that Banaszuk does not qualify as prior art for the present invention under any provision of 35 USC 102 or 103. As stated in the attached Rule 131 Affidavit, the present invention was conceived prior to the May 4, 2001 filing date of Banaszuk. The present invention was reduced to practice in 2001. Further, the present application was filed on October 4, 2002, which is prior to the November 7, 2002 publication date of Banaszuk.

Accordingly, Applicants respectfully submit that Banaszuk is not prior art. Accordingly, Applicants respectfully request that the rejections of Claims 1-3, 5, 11, 23, 24, 26, and 29-31 under 35 USC 103(a) be withdrawn.

Regarding Claim 4, the Examiner has not stated that Patterson supplies the deficiencies of Khalid. As Applicants' undersigned representative understands the reference, Patterson does not supply the deficiencies of Khalid. Accordingly, Applicants respectfully request that the rejection of Claim 4 under 35 USC 103(a) be withdrawn.

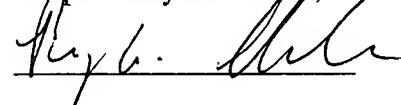
CONCLUSION

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested.

Please charge all applicable fees associated with the submittal of this Amendment and any other fees applicable to this application to the Assignee's Deposit Account No. 07-0868.

Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,



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Nov. 23, 2004
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